REMARKS/ARGUMENTS

Claims 1 to 11, 12 to 22, and 24 to 29 are pending in this application and are subject to restriction or election. The Office Action Summary indicates claims 1 to 11, 12 to 22, and 24 to 27 are pending. Applicants believe this is in error because claims 28 and 29 are referred to the body of the restriction requirement. It is further noted that pending claims 12 and 13 are not included in the grouping of claims. Applicants believe that claims 12 and 13 should be included in Group I and have accounted for these claims in Group I.

Restriction has been required under 35 U.S.C. § 121 between:

Group	Claims	Subject Matter
I	Claims 1 to 10, 25 to 29 *(also claims 12 and 13, as noted above)*	Drawn to an intermediate product, classified in class 428, subclass 489
II	Claims 14 to 19	Drawn to a final product, classified in class 424, subclass 402
III	Claims 20 to 21	Drawn to a process, classified in class 464, subclass 264
IV	Claim 22	Drawn to a process of using, classified in class 514, subclass 256

It is asserted that the inventions of:

(1) Group I and Group II are related as mutually exclusive species in an intermediate-final product relationship.

(2) Group III and Groups I and II are related as process of making and product made.

(3) Groups I and II and Group II are related as product and process of use.

In the office action, applicants have been required to elect a compound and a polymer. Applicants respectfully traverse the restriction requirement with respect to the restriction between the claims of Groups I and II, in particular.

According to MPEP § 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05-§ 806.05(i)); and

(B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) to § 806.04(i), § 808.01(a), and § 808.02).

Applicants respectfully traverse the restriction requirement with respect to the restriction between the claims of Groups I and II because it is not believed that it would be burdensome to examine these claims in the same application. Applicants submit that a search for either group would reveal art relevant to the other group. Furthermore, applicant wish to point out that in the Office Action itself Groups I and II are always treated together because they are interrelated, thus supporting the assertion that examining the claims in the same application would not be burdensome. Accordingly, applicants respectfully request reconsideration of the restriction between the claims of Group I and Group II.

Nonetheless, to be fully responsive, applicants wish to elect, with traverse, to prosecute the claims of ***Group I*** and further elect where the compound is ***4-[[4-[(2,4,6-trimethylphenyl)amino]-2-pyrimidinyl]amino]benzonitrile*** and the water-soluble polymer is ***hydroxypropyl methylcellulose***.

If the Examiner is of a contrary view and wishes to discuss the restriction requirement (particularly the request for reconsideration with respect to Group I and Group II), the Examiner is requested to contact the undersigned attorney at (215) 557-3861.

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